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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,310 11/12/1999		RUSSELL FREDERICK GLOOR	EN999079 1499	
7	590 10/09/2002			
JOHN R PIVNICHNY			EXAMINER	
IBM CORPOR DEPT N50 BL	DG 40 4		REAGAN, JAMES A	
1701 NORTH ENDICOTT, N	-		ART UNIT PAPER NUMBER	
,			3621	
		DATE MAILED: 10/09/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action Examiner			Application N .	Applicant(s)			
Examiner James A. Reagan James James A. Reagan James Jame	•						
THE REPLY FILED 23 September 2002. FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandorment of this application. A proper reply to a mine rejection under 37 CFR 1.14 is may only be either. (1) a timely filed amendment the modera of the property of the application of allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued examination (RCE) in compliance with 37 CFR 1.14. **PERIOD FOR REPLY* (check either a) or b)] a) □ The period for reply expires 2 months from the mailing date of the final rejection. b) □ The period for reply expires 2 months from the mailing date of the Annoy Action, or (2) the date set forth in the final rejection, one vent, however, will be statutory period for reply expire 1 annoy from the mailing date of the Annoy Action, or (2) the date set forth in the final rejection. ONLY OrdECK THIS BOX WHEN THE FIRST REPLY WAS Filed WHIN INTO MONTHS OF THE FIRST REAL REJECTION. Set MPEP Extensions of time may be obtained under 37 CFR 1.136(a). The date on which he petition under 37 CFR 1.136(a) and the appropriate extension are under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or 2 as set forth in 10 above, if checked. Any reply received by the Office last the anthere months after the mailing date of the final rejection, even if may fine the control of the set of the s	ŗ	Advisory Action					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — THE REPLY FILED 23 September 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandomment of this application. A proper reply to a inal rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b)] a) The period for reply expires 3 months from the mailing date of this Advisory Action, or (2) the date set forth in the final rejection. Notice of the mailing date of the mailing date of the final rejection. The period for reply expires on: (1) the mailing date of the final rejection. Notice of the mailing date of the mailing date of the final rejection. Notice of the mailing date of the final rejection on event, however, with the stationty period for reply expires on: (1) the mailing date of the final rejection. Notice CTRIS SOX WHEN THE FIRST KEPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP Activations of time may be obtained under 37 CFR 1.13(3), and the appropriate extension and the corresponding amount of the final rejection. The period of experiment of the final rejection in (2) as explained under 37 CFR 1.13(4) is activated form: (1) the explained date of the final rejection of the final rejection in (2) as explained the maintained with final rejection in the final rej							
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37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2	ee ha ee un 2) as	ve been filed is the date for purposes of determining the period of der 37 CFR 1.17(a) is calculated from: (1) the expiration date of set forth in (b) above, if checked. Any reply received by the Office	of extension and the corresponding amount the shortened statutory period for reply ce later than three months after the ma	ount of the fee. The appropriate extension originally set in the final Office action; or			
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they raise the issue of new matter (see Note below); (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	 A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 						
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issues for appeal; and/or (d)	(t	o) they raise the issue of new matter (see Note b	pelow);				
NOTE: 3. Applicant's reply has overcome the following rejection(s): 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: The arguments do not overcome the prior art of record. 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: 1, 2, 4. Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(RTQ 1449) Paper No(s)	(0	· · · · · · · · · · · · · · · · · · ·	n better form for appeal by mate	erially reducing or simplifying the			
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JAMES P. TRAMMELL SUPERVISORY PATENT EXAMINER	9.	Note the attached Information Disclosure Statemen	nt(s)(0000-1449).Paper No(s).	•			
SUPERVISORY PATENT EXAMINER	10.[

U.S. Patent and Trademark Office

Application/Control Number: 09/439,310

Art Unit: 3621

Advisory Action

Response to Amendment

- 1. Claims 1, 2, and 4 are currently pending.
- 2. Claims 3 and 5-9 have been cancelled (paper #3).
- 3. Claims 1 and 4 have been amended (paper #3).
- **4.** Claims 1, 2, and 4 have been reviewed.
- **5.** The rejections of claims 1, 2, and 4 are unchanged.

Response to Arguments

- 6. Applicant's arguments filed on 23 September 2002 have been considered but are not persuasive.
- 7. In the Remarks section, Applicant's disagree with the rejections of claim 4 under 35 USC § 112 and 35 USC § 101. It appears to the Examiner that the Applicant is attempting to claim a meeting, which is non-statutory. As the claim is written, it is unclear what method/process Applicant is intending to encompass. In addition, the process that is non-statutory in that the application of the intended plan is not defined. Examiner agrees that business processes are patentable. However, the process must produce a useful, concrete, tangible result. As written, the limitations do not.

Applicant also argues that Eisener does not disclose log-on signals from the transcriber. Examiner disagrees and feels that Eisener anticipates the

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Applicant's method steps of product/project engineering. The Examiner has pointed out specific passages in the art to show instant invention. As written, the limitations are an obvious anticipation over Eisener.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **James A.** Reagan whose telephone number is **(703) 306-9131**. The examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **James Trammell** can be reached at (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-7687

[Official communications; including

After Final communications labeled "Box AF"]

(703) 308-1396

[Informal/Draft

communications,

labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

JAR

07 October 2002